UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 2008 JUN -2 AM 11: 12

UNITED STATES OF AMERICA, Plaintiff, v. **Lamberto RIVERA-Vasquez,** Defendant	Magistrate Docket No. '08 MJ 1730 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **May 31, 2008** within the Southern District of California, defendant, **Lamberto RIVERA-Vasquez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **2nd** DAY OF **JUNE, 2008.**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Lamberto RIVERA-Vasquez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On May 31, 2008, Border Patrol Agent B. Watrous was performing her assigned duties in the Campo Station area of operations. At approximately 9:15 a.m., Agent Watrous responded to a seismic intrusion device near Tierra Del Sol Road. This area is located approximately 20 miles east of the Tecate, California Port of Entry and approximately two miles north of the United States/Mexico International Border.

Upon arrival, Agent Watrous observed fresh footprints walking north on a known undocumented alien trail. Agent Watrous followed the footprints and at approximately 9:45 a.m., Agent Watrous observed seventeen individuals trying to conceal themselves under some thick brush. Agent Watrous approached the individuals and identified herself as a United States Border Patrol Agent and began to question each individual as to their immigration status. All seventeen individuals including one later identified as the defendant **Lamberto RIVERA-Vasquez** stated that they were citizens and nationals of Mexico, without any documents allowing them to enter or remain legally in the United States. All individuals were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 8, 2007** through **New Orleans, Louisiana.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and that he was willing to answer questions without an attorney present. The defendant again freely admitted to being a citizen and national of Mexico and that he possessed no immigration documentation permitting him to enter or remain in the United States legally. The defendant stated that he had been removed before and that he knew that he was not to re-enter the U.S. without proper permission.

Executed on June 1, 2008 at 10:00 a.m.

Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 31, 2008,** in violation of Title **8**, United States Code, Section **1326.**

Leo S. Papas
United States Magistrate Judge

6/1/08 - 1035A
Date/Time